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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/797,346	03/10/2004	Niu Dong	0109.03

CONFIRMATION NO. 4296

FORMALITIES  
 LETTER

25278  
 USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER  
 PATENT ADVISORS OFFICE  
 WESTERN REGIONAL RESEARCH CENTER  
 800 BUCHANAN ST  
 ALBANY, CA 94710

Date Mailed: 10/05/2006

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

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For questions regarding compliance to these requirements, please contact:

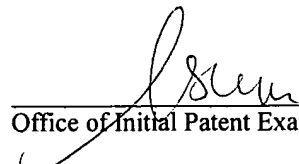
- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/797,346

Filing Date March 10, 2004

First Named Inventor Niu Dong et al.

Art Unit 1638

Examiner Name C.K. Worley

Total Number of Pages in This Submission

10

Attorney Docket Number 0109.03

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures See remarks below for papers
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>2</u>	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Attached: 1. Notice to Comply with requirements for patent applications containing Nucleotide Sequence and/or amino acid sequence disclosures 2. Computer readable form of sequence listing (2 diskettes) 3. Paper copy of sequence listing 4. Amendment 5. Statement of Sequence correspondence 6. itemized post card receipt	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Howard V. Owens
Signature	
Date	November 30, 2006

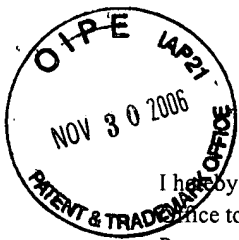
**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 Express Mail No. EO 927 401 815 US

Typed or printed name	Howard V. Owens		
Signature		Date	November 30, 2006


This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mail No. EO 927 401 815 US  
Date of Deposit: November 30, 2006

  
Howard V. Owens

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Niu Dong *et al.*

Application No.: 10/797,346

Filed: 03/10/2004

For: Transformation Methods for Guayule  
Using *Agrobacterium* and Reduced Light  
to Slow Metabolism and Enhance  
Recovery

USDA Docket No: 0109.03

Customer No.: 25278

Confirmation No. 4296

Examiner: C.K. Worley

Technology Center/Art Unit: 1638

**NOTICE TO COMPLY WITH**  
**REQUIREMENTS FOR PATENT**  
**APPLICATIONS CONTAINING**  
**NUCLEOTIDE SEQUENCE AND/OR**  
**AMINO ACID SEQUENCE**  
**DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Notice of the U.S. Patent and Trademark Office dated October 5, 2006, to file a Sequence Listing which complies with the requirements of 37 C.F.R. 1.821-1.825.

Enclosed herewith are:

1. Computer readable form (CRF) copy of the Sequence Listing; and
2. A paper copy of the Sequence Listing; and
3. An amendment directing entry of the Sequence Listing into the application; and
4. A statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing; and
5. Return copy of Notice to Comply.

Appl. No. 10/797,346  
Amdt. dated November 30, 2006  
Reply to Notice to Comply dated October 5, 2006

PATENT

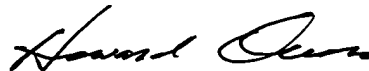
**REMARKS**

The Notice to Comply states that the subject application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. To bring the application into compliance, applicants enclose herewith a computer readable form (CRF) copy of the Sequence Listing, a paper copy of the Sequence Listing, an amendment directing entry of the Sequence Listing into the application; and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter.

**CONCLUSION**

If the Office of Initial Patent Examination has any questions, please telephone the undersigned at 510-559-5731.

Respectfully submitted,



Howard V. Owens  
Reg. No. 58,219

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